IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

MACA.No. 619 of 2003(B)

OPMV.1144/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA
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APPELLANTS/PETITIONERS:
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1. DAMAYANTHI E.I., W/O. SANKARAN,
VIRIPPERY HOUSE, P.O. MADAYIKONAM, THRISSUR DIST.

2. USHA N.B., W/O. JYOTHI,
RESIDING AT -DO-.

3. NAVYA V.J., D/O. JYOTHI,
RESIDING -DO-.

4. VINAYA CHANDRAN V.J., S/O. JYOTHI,
RESIDING -DO-.

5. ANJALI V.J., D/O. JYOTHI,
RESIDING -DO-.
(APPELLANTS 4 AND 5 ARE MINORS REP.BY THEIR NATURAL GUARDIAN, USHA N.B., THE 2ND APPELLANT).

BY ADV. SRI.N.B.ANOOP

RESPONDENTS: RESPONDENTS:
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1. K.S.SANKAR,
KADASSERY HOUSE, VALIYAPUZHAMPILLY THURUTHU, CHENNAMANGALAM P.O., NORTH PARUR.

2. MURALEEDHARAN, S/O. KESAVAN,
KIZHAKKANCHERY HOUSE, NAYARAMBALAM P.O., ERNAKULAM DISTRICT.

3. THE MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
THRIPUNITHURA BRANCH, ERNAKULAM DISTRICT.

4. PAULSON K.K.,
KOLAZHI HOUSE, PALAZHI P.O., PUDUKKAD,
THRISSUR DISTRICT.

5. SUDHI @ SHYJAN, S/O. SANKARAN,
VIRIPPERY HOUSE, MADAYIKONAM P.O.

BY ADV. SRI.RENJITH THAMPAN
SMT.P.A.ANITHA
SRI.VIJAYAN MANNALY
SMT.K.C.BEENA

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 18/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

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M.A.C.A. NO. 619 OF 2003

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Dated this the 18th day of January, 2007.

J U D G M E N T

Krishnan,J.

This is an appeal preferred against the award of the Motor Accidents Claims Tribunal, Irinjalakuda in O.P.(MV) 1144/95. Claimants are legal representatives of deceased who died in a road accident on 3/7/95. The Tribunal awarded a total sum of Rs.2,15,000/-. It is against that decision the present appeal is preferred by the claimants. The Insurance Company has also entered appearance.

2. Heard both sides. Learned counsel for the appellants would contend that the claimant was having a monthly income of Rs.2,000/- at the time of accident. The Tribunal has erred in fixing his income at Rs.1,500/-. Even though he is an ordinary coolie, certainly he would have been receiving more than what the Tribunal has taken. Therefore, we fix his income at Rs.1,750/-. When 1/3rd is deducted, the annual dependency loss would come to Rs.14,000/-, by applying a multiplier of 16, the

total disability compensation would be Rs.2,24,000/- whereas the Tribunal has awarded only Rs.1,92,000/-. Therefore, the claimants are entitled to an additional compensation of Rs.32,000/- under that head. The widow is only aged 26 years at the time of his death. There are three children to be looked after by her. She had lost her husband at an young age and so we award Rs.10,000/- more towards loss of consortium. On all other heads the Tribunal has granted just and proper compensation. Therefore, claimants are entitled to an additional compensation of Rs.42,000/-.

In the result, the M.A.C.A. is partly allowed and the claimants are awarded an additional compensation of Rs.42,000/- with 7% interest on the said sum from the date of petition till realisation and the Insurance Company is directed to deposit the same within a period of two months from the date of receipt of a copy of this judgment.

K.S. RADHAKRISHNAN, JUDGE.

M.N. KRISHNAN, JUDGE.

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